

PATENT

2172
#1
SP
01-08-04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF MAILING

I hereby certify that on **December 31, 2003**, which is the date I am signing this certificate, I am depositing this correspondence the United States Postal Service, first class mail, in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450


David Prange

Applicant: CHRISTOPHER SACHSE

Serial No.: 09/471,777

Filed: 12-23-1999

Title: CONTROLLING DATA COLLECTION, MANIPULATION AND STORAGE ON A NETWORK WITH SERVICE ASSURANCE CAPABILITIES

Atty. Docket No.: 060021-331301

Examiner: VU, KIM Y

Group Art Unit: 2172

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

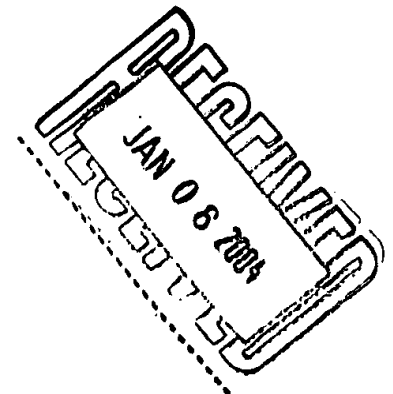
JAN 07 2004

Technology Center 2100

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.56**

Sir:

Pursuant to 37 C.F.R. § 1.56, § 1.97 and § 1.98, Applicant brings the references listed on the attached Form PTO-1449 to the examiner's attention. 37 C.F.R. § 1.56. These references may be material to examination of the above-identified application. Please do not construe the filing of this information disclosure statement as a representation that applicant has made a search (37 C.F.R. § 1.97(g)), or as an admission that the information cited is, or is considered to be, material to patentability (37 C.F.R. § 1.97(h)), or that no other material information exists. We enclose copies of the cited documents within a box herewith.



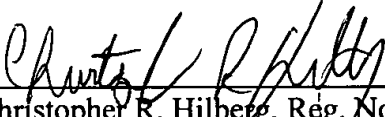
This Information Disclosure Statement is being submitted:

- ☐ 1. Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application, or before the mailing date of a first Office action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114, and therefore, Applicant believes no fee is required;
- ☒ 2. After the period specified in paragraph (1) hereinabove of this section, but is being filed before the mailing date of either a final action under 37 CFR 1.113, or a notice of allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and is accompanied by one of the following:
- ☐ (a) A statement that either:
- (i) Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;
- OR
- (ii) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement;
- OR
- ☒ (b) The fee of \$180 for filing of an Information Disclosure Statement as set forth in 37 C.F.R. 1.17(p).
- ☐ 3. After the period specified in paragraph (2) of this section, but is filed on or before payment of the issue fee and is accompanied by both:
- ☐ (a) A statement that either:
- (i) Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;
- OR
- (ii) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement;
- ☐ (b) The fee of \$180.00 for filing of an Information Disclosure Statement as set forth in 37 CFR 1.17(p).

Applicant would appreciate the Examiner initialing and signing a copy of Form PTO-1449, transmitted herewith, indicating that the information has been considered and made of record herein.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-1901** referencing order number 060021-331301.

December 29, 2003



Christopher R. Hilberg, Reg. No. 48,740
Attorney for Applicant

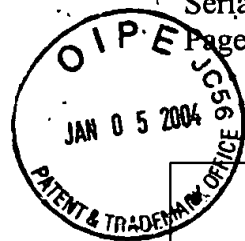
OPPENHEIMER WOLFF & DONNELLY LLP

45 South Seventh St.

Plaza VII, Suite 3300

Minneapolis, MN 55402-1609

Telephone: (612) 607-7386 • Fax: (612) 607-7100



CERTIFICATE OF MAILING

I hereby certify that on December 31, 2003, which is the date I am signing this certificate, I am depositing this correspondence the United States Postal Service, first class mail, in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

David Prange

A handwritten signature in black ink, appearing to read "David Prange", written over a horizontal line.

PATENT

Applicant: CHRISTOPHER SACHSE

Serial No.: 09/471,777

Filed: 12-23-1999

Title: CONTROLLING DATA COLLECTION, MANIPULATION AND STORAGE ON A NETWORK WITH SERVICE ASSURANCE CAPABILITIES

Atty. Docket No.: 060021-331301

Examiner: VU, KIM Y

Group Art Unit: 2172

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

JAN 07 2004

Technology Center 2100

DAYCO STATEMENT REGARDING RELATED APPLICATIONS

Sir:

In the recent case, *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358; 66 U.S.P.Q.2d 1801 (Fed.Cir.2003), the Federal Circuit stated (1) in the context of 37 C.F.R. § 1.56, a co-pending application may be "material" in the prosecution of a patent, even if the co-pending application cannot result in a shorter patent term; and (2) in the context of 37 C.F.R. § 1.56, a contrary decision of another examiner reviewing a substantially similar claim meets the threshold level of materiality.

In light of *Dayco*, Applicant respectfully identifies the following United States patent applications, which are or were co-pending with the present application and may contain similar subject matter as the present application:

Serial No.	Patent No.	Filing Date	Atty. Docket	Title
09/471,935		12-23-1999	060021-331201	DISPATCHING NETWORK EVENT NOTIFICATIONS WHILE IGNORING FALSE ALARMS
09/470,952		12-23-1999	060021-331401	RETRIEVING AND RELOCATING DATA COLLECTED ON A NETWORK WITH SERVICE ASSURANCE CAPABILITIES
09/472,375		12-23-1999	060021-331501	AN ALARM GENERATOR IN A SERVICE ASSURANCE ENVIRONMENT
09/472,139		12-23-1999	060021-331601	MAPPING EVENTS OF A NETWORK WITH SERVICE ASSURANCE CAPABILITIES
09/471,655		12-23-1999	060021-331701	DESIGNING A DATABASE IN A SERVICE ASSURANCE ENVIRONMENT
09/470,958		12-23-1999	060021-331801	GRAPHICALLY CONVEYING ELEMENT, SERVICE AND PROCESS AVAILABILITY IN A SERVICE ASSURANCE NETWORK ENVIRONMENT
09/472,061		12-23-1999	060021-331901	A TIME KEY PRELOADER IN A SERVICE ASSURANCE ENVIRONMENT
09/470,771		12-23-1999	060021-332001	MANIPULATING DATA COLLECTED ON A NETWORK WITH SERVICE ASSURANCE CAPABILITIES
09/324,456		06-02-1999	060021-318501	IP/TELEPHONY USER INTERFACE FOR A HYBRID COMMUNICATION SYSTEM
09/324,981	6,147,975	06-02-1999	060021-318601	SYSTEM, METHOD AND ARTICLE OF MANUFACTURE OF A PROACTIVE THRESHOLD MANAGER IN A HYBRID COMMUNICATION SYSTEM ARCHITECTURE
09/324,365	6,542,593	06-02-1999	060021-318701	A RULES DATABASE SERVER IN A HYBRID COMMUNICATION SYSTEM ARCHITECTURE
09/324,985		06-02-1999	060021-318801	ELEMENT MANAGEMENT IN A HYBRID COMMUNICATION SYSTEM
09/324,246	6,442,547	06-02-1999	060021-318901	INFORMATION SERVICE MANAGEMENT IN A HYBRID COMMUNICATION SYSTEM
09/324,348	6,449,588	06-02-1999	060021-319101	CUSTOMER-DRIVEN QOS IN A HYBRID COMMUNICATION SYSTEM
09/324,363		06-02-1999	060021-319201	DATA MINING DEMONSTRATION IN A HYBRID COMMUNICATION SYSTEM ARCHITECTURE
09/325,015	6,556,659	06-02-1999	060021-319601	SERVICE LEVEL MANAGEMENT IN A HYBRID NETWORK ARCHITECTURE
09/324,572		06-02-1999	060021-319701	USAGE RATING AND QOS DISCOUNTING IN A HYBRID COMMUNICATION ARCHITECTURE
09/325,101	6,426,948	06-02-1999	060021-309801	VIDEO CONFERENCING FAULT MANAGEMENT IN A HYBRID NETWORK
09/324,984	6,081,518	06-02-1999	060021-313501	CROSS-LOCATION REGISTRATION IN A COMMUNICATION SYSTEM ARCHI-

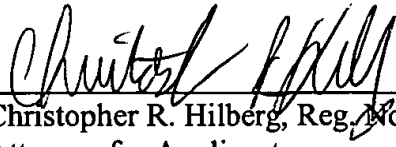
				TECTURE
09/324,982	6,195,697	06-02-1999	060021-313701	PROVIDING A CUSTOMER INTERFACE IN A HYBRID NETWORK AS ALLOWED
09/325,011		06-02-1999	060021-319001	THREE-TIERED CUSTOMER SUPPORT IN A HYBRID COMMUNICATION SYSTEM
09/324,983		06-02-1999	060021-319301	MANAGEMENT OF SERVICE QUALITY IN A HYBRID NETWORK
09/324,571		06-02-1999	060021-319401	DYNAMIC BILLING UTILIZING QUALITY OF SERVICE IN A HYBRID COMMUNICATION SYSTEM ARCHITECTURE
09/324,579		06-02-1999	060021-319801	BILLING INVOICE CREATION AND COLLECTION MANAGEMENT IN A HYBRID NETWORK ARCHITECTURE
09/386,896		08-31-1999	060021-322001	BUYING, SELLING AND TRADING BANDWIDTH IN AN OPEN MARKET
09/387,167		08-31-1999	060021-322101	AUTOMATED NEGOTIATION OF A CONTRACT DURING A TRANSACTION INVOLVING BANDWIDTH
09/386,892		08-31-1999	060021-322201	PROVIDING A CLEARINGHOUSE FUNCTION IN A BANDWIDTH MARKET
09/387,327		08-31-1999	060021-322301	PROVIDING BILLING SERVICES VIA MULTIPLE DISTRIBUTORS IN A CONTENT MARKET
09/324,628		06-02-1999	060021-313601	MANAGING NETWORK DATA IN A HYBRID NETWORK ARCHITECTURE

Applicant brings these applications to the attention of the examiner, or other Office official involved with the examination of the present application. However, please do not construe the filing of this statement as a representation that applicant has made a search, or as an admission that the co-pending applications are, or are considered to be, material to patentability, or that no other co-pending applications exist.

Serial No 09/471,777

Page 4 of 4

December 29, 2003



Christopher R. Hilberg, Reg. No. 48,740
Attorney for Applicant

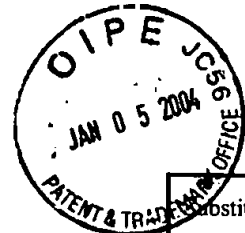
OPPENHEIMER WOLFF & DONNELLY LLP

45 South Seventh St.

Plaza VII, Suite 3300

Minneapolis, MN 55402-1609

Telephone: (612) 607-7386 • Fax: (612) 607-7100



INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	09/471,777
				Filing Date	12-23-1999
				First Named Inventor	CHRISTOPHER SACHSE
				Art Unit	2172
				Examiner Name	VU, KIM Y
Sheet	1	of	1	Attorney Docket Number	060021-331301

U.S. PATENT DOCUMENTS				
Examiner Initials*	Cite No. ¹	Document Number Number -Kind Code ² (if known)	Issue Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document

RECEIVED
JAN 07 2004

Technology Center 2100

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T ⁶

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	1	<u>Dayco</u> Statement Regarding Related Applications	
Examiner Signature			Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.